

# Notice of Allowability

Application No.

10/081,598

Applicant(s)

HILLE ET AL.

Examiner

Jacob Y Choi

Art Unit

2875

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/08/2004.
2. ☒ The allowed claim(s) is/are 1,2,6,8,9,11,12,15,18,21,23,25,26,28-30,32,36 and 37.
3. ☒ The drawings filed on 20 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Examiner acknowledges that the applicant has amended claims 1, 8, 11, 15, 18, 21, 25, 28 & 37 & claims 10 & 27 are canceled. Claims 1-2, 6, 8, 9, 11, 12, 15, 18, 21, 23, 25, 26, 28-30, 32, 36, & 37 remain pending in the application.

### ***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance: the claims recite a lighting fixture, comprising a housing, wherein the housing further comprises a pour collar configured to be fixably attached to a top end of a cylinder, and a first assembly supported by the housing, wherein the first assembly comprises, a lamp fixture, a lid configured to support the lamp fixture, wherein the lid is held in vertical contact with a first end of the housing by gravity alone, wherein the lid is configured in slidable contact with the housing, and wherein the lid comprises a relatively planar top surface for substantially flush mounting with the top of the pour collar, and a linkage assembly connected to the lid and supporting the lamp fixture, wherein the first assembly is configured to facilitate linear and both pitch and yaw rotational positioning of the lamp fixture, and wherein the first assembly is configured such that the step of removing the lid also removes the linkage assembly and the lamp fixture. Porter et al.

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(USPN 5,230,559) discloses a similar lighting fixture, but without the distinct structure difference of the housing comprises a pour collar configured to be fixably attached to a top end of a cylinder, where the lid comprises a relatively planar top surface for substantially flush mounting with the top of the pour collar. Because none of the references disclose the combination of a linkage assembly (configured to facilitate linear & both pitch and yaw) connected to the lid and supports the lamp fixture where the lid is mounted substantially with the top of the pour collar, nor is there any motivation to combine them, the claims are deemed patentable over the prior art of record. Claims 1-2, 6, 8, 9, 11, 12, 15, 18, 21, 23, 25, 26, 28-30, 32, 36, & 37 allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

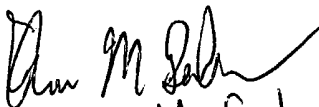
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

  
Thomas M. Sember  
Primary Examiner